

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANCIS ASSIFUAH, :  
Movant, :  
-against- : ORDER  
UNITED STATES OF AMERICA, : 20-CV-6163 (AT)(KNF)  
15-CR-616 (AT)  
Respondent. :

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

Francis Assifuah (“Assifuah”) appealed from the judgment of conviction entered in the case bearing docket number 15-CR-616. The appeal was determined to be untimely. The Second Circuit Court of Appeals remanded the matter to this court, directing that the appeal be converted to a 28 U.S.C. § 2255 motion. Assifuah requests that the Court appoint counsel to assist him with the § 2255 motion. See, Docket Entry No. 10, in the case bearing docket number 20-CV-6163. Assifuah explains that he seeks appointment of counsel because he “believes the claims Assifuah intends to raise [through the § 2255 motion] are complex and would require skilled lawyers to litigate the matter.”

Title 28 U.S.C. § 2255(g) explains that a “court may appoint counsel” to assist a person who has made a motion pursuant to § 2255. However, it is unclear to the Court what claims Assifuah “intends to raise” through the § 2255 motion. Therefore, the Court cannot assess, at this juncture, whether exercising its discretion to appoint counsel to assist Assifuah is warranted. As a consequence, Assifuah’s motion for appointment of counsel, Docket Entry No.10, is

denied, without prejudice.

**The Clerk of Court is directed to mail a copy of this order to the movant.**

Dated: New York, New York  
October 1, 2020

SO ORDERED:

Kevin Nathaniel Fox  
KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE